

Serial No. 10/603,031
Applicant: David Alan Weyandt
Amendment dated October 26, 2004

Remarks

Amendment to the Specification

The specification has been amended as suggested by the examiner. Entry of the amendment is requested.

Amendments to the Claims

Claim Objections

Claims 7 and 10 were objected to due to informalities. Claims 7 and 10 are cancelled herein.

Rejection of Claims 2, 9 and 10 under 35 U.S.C. 112

Claims 2, 9 and 10 were rejected under 35 U.S.C. 112. Claims 2, 9 and 10 are cancelled herein.

Rejection of Claims 1-8 and 10 under 35 U.S.C. 103(a)

Claims 1-8 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art of Fig. 1 (APA) in view of Baer U.S. Patent 6,536,730. Claims 1-8 and 10 are cancelled herein.

Rejection of Claim 9 Under 35 U.S.S. 112

Claim 9 was rejected as being indefinite under 35 U.S.C. 112. Claim 9 is cancelled herein.

New Claims 11-19

Applicant submits that new claims 11-19 are not obvious over the asserted combination of Admitted Prior Art of Fig. 1 in view of Baer U.S. Patent 6,536,730.

Serial No. 10/603,031
Applicant: David Alan Weyandt
Amendment dated October 26, 2004

APA shows a known mounting track having a wall 14 extending from foot 16 to the horizontal center of rail base 12.

Baer discloses a light strand hanger 100 having first leg 102 and second leg 104 and a curved interconnecting section 106. Securing section 120 has a width W 121 such that light strands 150 can be wedged between the legs (Baer Column 3, line 20-23).

New independent claim 11 is drawn to a component mounting track made up of a flat foot having a plurality of mounting apertures, a mounting rail above the foot having a flat base and a wall member joining the track base to the foot, the wall member offset from the horizontal center of the rail base and track, the rail base having a plurality of access apertures adjacent the wall member. The wall member is flat and generally perpendicular to the rail base and foot. When attaching the mounting track to a surface, the wall member guides fastening tools extended through an access aperture along the wall from the mounting rail to a mounting aperture directly below the access aperture on the foot. This allows a user to mount the track to a surface without directing the fastening tool by sight or by hand from a point above the mounting aperture to the mounting aperture.

Serial No. 10/603,031
Applicant: David Alan Weyandt
Amendment dated October 26, 2004

The Prior Art mounting track shown in Figure 1 discloses a track wherein a fastening tool must be guided by hand or visually from a point above aperture 18 to apertures 18.

Baer discloses a curved interconnecting section between the first and second legs. The curved section cannot be used to guide a tool from second leg 104 to first leg 102 along the interior surface of member 100; the tool would be restricted in securing section 120.

Claims 12 through 14 depend on claim 11 and are believed to be in condition for allowance with claim 11.

Neither the Admitted Prior Art Figure 1 or Baer disclose a raised mounting rail including the element of a support wall that acts to guide a fastening tool to a mounting aperture. Further, there is no teaching or incentive in Baer or the Admitted Prior Art to motivate a person of ordinary skill in the art to combine Baer with the Admitted Prior Art of Figure 1 to create a component mounting track having a support wall that acts to guide a fastening tool to a mounting aperture.

The Baer hanger has no relation to the APA mounting track. The structures are completely different. Given the disparate disclosures of the two references, applicant submits that there is no teaching, incentive or suggestion found in the references supporting the combination set forth in the Office Action. The

Serial No. 10/603,031
Applicant: David Alan Weyandt
Amendment dated October 26, 2004

combination appears to have been made as a result of a hindsight reconstruction made in the light of applicant's own disclosure, is improper and must be withdrawn.

New independent claim 15 is drawn to a component mounting track made up of a flat foot having a plurality of mounting apertures, a mounting rail above the foot having a flat base and two mounting members each located above and to one side of the base, each mounting member having a member edge, the rail having a midpoint equidistant from each member edge (as disclosed in Application Figure 3 and Figure 6) and a wall member joining the foot to the rail base. The wall member is horizontally offset from the rail midpoint. The rail base has a plurality of access apertures in vertical alignment with the mounting apertures, each mounting aperture in vertical alignment with the rail midpoint.

The claim 15 track is mounted to a surface by fasteners extended through the foot that lie along the horizontal midpoint of the rail, allowing the track to be mounted on a support in the place of a conventional center mounted rail without the rail being displaced to one side on the support. A three sided, interior wire-routing cavity is formed wherein multiple bundles of wire can be freely arranged between components mounted on the track.

Serial No. 10/603,031
Applicant: David Alan Weyandt
Amendment dated October 26, 2004

Neither Admitted Prior Art Figure 1 or Baer teach a raised component mounting track with a mounting aperture located at the horizontal midpoint of the mounting rail. Further, there is no teaching or incentive in Baer to motivate a person of ordinary skill in the art to combine Baer with the Admitted Prior Art of Figure 1 to create a component mounting track having mounting apertures located at the horizontal midpoint of the mounting rail.

Claim 15 is believed to be in condition for allowance.

Claims 16 through 19 depend on claim 15 and are believed to be in condition for allowance.

Claim 14 and claim 19 recite wall apertures extending through the wall member. Wall apertures 38 are disclosed on page 4, line 3 of the application and are shown in application Figure 5.

Serial No. 10/603,031
Applicant: David Alan Weyandt
Amendment dated October 26, 2004

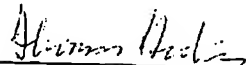
Conclusion

Applicant respectfully submits that, as amended, this application is in condition for allowance.

Respectfully submitted,

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By



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